

SENATE BILL 389

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J2

2004 Regular Session  
(4r1402)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Health and Government Operations --

Introduced by **Senator Klausmeier**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Pharmacy Act - Practice of Pharmacy - Administration of**  
3 **Medication the Influenza Vaccination**

4 FOR the purpose of altering the definition of the term "practice pharmacy" to include  
5 administering ~~medication in accordance with certain regulations adopted by the~~  
6 ~~State Board of Pharmacy~~ certain vaccinations; requiring the Board, in  
7 ~~consultation with certain entities; authorizing certain pharmacists to~~  
8 administer certain vaccinations; requiring the Board of Pharmacy to set certain  
9 fees; requiring the Board of Pharmacy, together with the Board of Physicians  
10 and the Board of Nursing, to jointly develop and to adopt certain regulations;  
11 providing for the effective date of certain provisions of this Act; providing for the  
12 termination of certain provisions of this Act; and generally relating to the State  
13 Board of Pharmacy and the practice of pharmacy.

14 BY repealing and reenacting, with amendments,  
15 Article - Health Occupations  
16 Section 12-101(p)(1)

1 Annotated Code of Maryland  
2 (2000 Replacement Volume and 2003 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Health Occupations  
5 Section 12-101(p)(1)  
6 Annotated Code of Maryland  
7 (2000 Replacement Volume and 2003 Supplement)  
8 (As enacted by Chapter 249 of the Acts of the General Assembly of 2002)

9 BY adding to  
10 Article - Health Occupations  
11 Section 12-508  
12 Annotated Code of Maryland  
13 (2000 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Health Occupations**

17 12-101.

18 (p) (1) "Practice pharmacy" means to engage in any of the following  
19 activities:

- 20 (i) Providing pharmaceutical care;
- 21 (ii) Compounding, dispensing, or distributing prescription drugs or  
22 devices;
- 23 (iii) Compounding or dispensing nonprescription drugs or devices;
- 24 (iv) Monitoring prescriptions for prescription and nonprescription  
25 drugs or devices;
- 26 (v) Providing information, explanation, or recommendations to  
27 patients and health care practitioners about the safe and effective use of prescription  
28 or nonprescription drugs or devices;
- 29 (vi) Identifying and appraising problems concerning the use or  
30 monitoring of therapy with drugs or devices; [or]
- 31 (vii) Acting within the parameters of a therapy management  
32 contract, as provided under Subtitle 6A of this title; OR

1 (VIII) ADMINISTERING MEDICATION TO AN INDIVIDUAL IN  
2 ~~ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD~~ AN INFLUENZA  
3 VACCINATION IN ACCORDANCE WITH § 12-508 OF THIS TITLE.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
5 read as follows:

6 **Article - Health Occupations**

7 12-101.

8 (p) (1) "Practice pharmacy" means to engage in any of the following  
9 activities:

10 (i) Providing pharmaceutical care;

11 (ii) Compounding, dispensing, or distributing prescription drugs or  
12 devices;

13 (iii) Compounding or dispensing nonprescription drugs or devices;

14 (iv) Monitoring prescriptions for prescription and nonprescription  
15 drugs or devices;

16 (v) Providing information, explanation, or recommendations to  
17 patients and health care practitioners about the safe and effective use of prescription  
18 or nonprescription drugs or devices; [or]

19 (vi) Identifying and appraising problems concerning the use or  
20 monitoring of therapy with drugs or devices; OR

21 (VII) ADMINISTERING MEDICATION TO AN INDIVIDUAL IN  
22 ~~ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD~~ AN INFLUENZA  
23 VACCINATION IN ACCORDANCE WITH § 12-508 OF THIS TITLE.

24 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
25 read as follows:

26 **Article - Health Occupations**

27 12-508.

28 (A) A PHARMACIST MAY ADMINISTER AN INFLUENZA VACCINATION TO AN  
29 INDIVIDUAL, IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER SUBSECTION  
30 (C) OF THIS SECTION.

31 (B) THE BOARD SHALL SET REASONABLE FEES FOR THE ADMINISTRATION OF  
32 AN INFLUENZA VACCINATION IN ACCORDANCE WITH SUBSECTION (A) OF THIS  
33 SECTION THAT ACCOUNT FOR THE COST OF THE VACCINATION AND A REASONABLE  
34 CHARGE FOR THE ADMINISTRATION OF THE VACCINATION.

1 (C) THE BOARD, ~~TOGETHER~~ WITH THE BOARD OF PHYSICIANS AND THE  
2 BOARD OF NURSING, SHALL JOINTLY DEVELOP AND ADOPT REGULATIONS TO  
3 PROVIDE FOR PATIENT SAFETY AND TO IMPLEMENT THIS SECTION.

4 ~~SECTION 3. AND BE IT FURTHER ENACTED, That the State Board of~~  
5 ~~Pharmacy, in consultation with the State Board of Physicians and the State Board of~~  
6 ~~Nursing, shall adopt regulations necessary to implement this Act.~~

7 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
8 take effect on the taking effect of the termination provision specified in Section 5 of  
9 Chapter 249 of the Acts of the General Assembly of 2002. If that termination provision  
10 takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.  
11 This Act may not be interpreted to have any effect on that termination provision.

12 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions  
13 of Section 4 of this Act, this Act shall take effect October 1, 2004.